The opinion in support of the decision being entered today was <u>not</u> written for publication and is <u>not</u> binding precedent of the Board.

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

*Ex parte* THOMAS A. KIST, BURN L. LEWIS, and BRUCE D. LUCAS

Appeal No. 2004-1117
Application No. 09/348,425

ON BRIEF

Before FLEMING, GROSS, and LEVY, **Administrative Patent Judges.**

GROSS, **Administrative Patent Judge.**

### DECISION ON APPEAL

This is a decision on appeal from the examiner's final rejection of claims 22 through 31, which are all of the claims pending in this application.

Appellants' invention relates to a speech recognition system which identifies a voice command component specified by a command grammar and a dictation component not specified by the command grammar and executes the voice command component using the dictation component as an execution parameter of the voice command. Claim 22 is illustrative of the claimed invention, and it reads as follows:

22. In a speech recognition system, a method of processing a voice command comprising:

identifying a voice command having a voice command component and a dictation component within a contiguous utterance, wherein said voice command component is specified by a command grammar and said dictation component is free-form text which is not specified by said command grammar, and wherein said dictation component is embedded within said voice command; and

executing said identified voice command component using at least a part of said dictation component as an execution parameter of said voice command.

The prior art reference of record relied upon by the examiner in rejecting the appealed claims is:

Gould et al. (Gould)          5,799,279          Aug. 25, 1998

Claims 22 through 31 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Gould.

Reference is made to the Examiner's Answer (Paper No. 18, mailed October 8, 2003) for the examiner's complete reasoning in support of the rejection, and to appellants' Brief (Paper No. 17, filed July 22, 2003) and Reply Brief (Paper No. 19, filed December 8, 2003) for appellants' arguments thereagainst.

## *OPINION*

We have carefully considered the claims, the applied prior art reference, and the respective positions articulated by

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appellants and the examiner. As a consequence of our review, we

will reverse the anticipation rejection of claims 22 through 31.

Independent claims 22 and 27 each recite:

> identifying a voice command having a voice command
> component and a dictation component within a contiguous
> utterance, wherein said voice command component is
> specified by a command grammar and said dictation
> component is free-form text which is not specified by
> said command grammar, and wherein said dictation
> component is embedded within said voice command.

Thus, all of the claims require that the identified voice command

has a dictation component, which is text that does not follow the

command grammar.

Appellants argue (Brief, page 8) that Gould does not teach

identifying voice commands that include a dictation component.

Appellants contend (Brief, pages 9-10) that "commands in Gould

are fully specified by templates. . . . The templates define the

words that may be said within command sentences and the order in

which the words are to be spoken." Thus, appellants assert

(Brief, page 10) that Gould's templates do not permit free-form

speech to be included within the command structure. We agree.

Gould discloses (column 2, lines 6-11) that his invention

recognizes commands within dictated text without the user having

to switch between command and dictation modes. Gould

accomplishes such recognition by comparing speech frames to

speech models to determine whether the results represent a command or text. Further, the commands follow templates which define the words which may be said within the commands and the order in which the words are spoken (see column 4, lines 47-55). In the example given in column 5, lines 25-29, Gould explains that a command to move up two lines must be spoken as "Move Up 2 Lines," with no variation, because any variation would not follow the template for that command. Similarly, Gould discloses (column 8, lines 50-55) that "[u]ser's speech that does not conform to a command template does not provide a valid recognized command. A user's speech does not conform to a template if the user does not speak permitted words in the predetermined order." Thus, Gould's templates equate to the claimed command grammar by which the command component is specified. Also, Gould's commands include no dictation component that does not follow the templates, for if they did, Gould teaches that they would not be recognized commands. Accordingly, as Gould fails to disclose the dictation component of the claimed commands, we cannot sustain the anticipation rejection of claims 22 and 27 nor of their dependents, claims 23 through 26 and 28 through 31.

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## CONCLUSION

The decision of the examiner rejecting claims 22 through 31

under 35 U.S.C. § 102(e) is reversed.

*REVERSED*


MICHAEL R. FLEMING )
Administrative Patent Judge )
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) BOARD OF PATENT
ANITA PELLMAN GROSS )     APPEALS
Administrative Patent Judge )       AND
)   INTERFERENCES
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)
)
STUART S. LEVY )
Administrative Patent Judge )


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